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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,657	12/31/2003	Kyoung-jac Lee	1293.1924	2805

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EXAMINER

KOZIOL, STEPHEN R

ART UNIT	PAPER NUMBER
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2609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,657

Applicant(s)

LEE, KYOUNG-JAE

Examiner

Stephen R. Koziol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/31/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

VULE
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) —
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11222004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. U.S. Patent # 6,151,426.

Regarding claim 1, Lee discloses a method of scanning a document to generate image data of the document (Abstract, figs. 3A-3B), the method comprising:

- i. performing a pre-scanning operation at a first predetermined resolution and speed according to a scan command until a current scanning area is located in a main-scan area (col. 3, ln. 24-40 "windows having tools for adjusting various aspects of the selected area," also, col. 4, ln. 38-60, where Lee's pre-scan is a "low quality scan" relative to the main scan. A "low-quality" scan as disclosed by Lee, inherently necessitates a first predetermined speed and resolution relative to Lee's disclosed main scan). See In re Ludtke, 169 USPQ 563 (CCPA 1971): "Since only alleged distinction between applicant's claims and reference is recited in functional language, it is incumbent upon applicants, when challenged,

to show that device disclosed by reference does not actually possess such characteristics.”; and

- ii. performing a main-scanning operation at a second predetermined resolution and speed, until the current scanning area is beyond the main-scan area, after the current scanning area has been located in the main-scan area (see discussion in claim 1 i. above”).

Regarding claim 2, Lee discloses a method wherein said performing a pre-scanning operation comprises sensing a position of a starting portion of the main-scan area in which a document is positioned (col. 2, ln. 38-42 Lee’s “initial region of interest” is the starting portion of the main-scan area).

Regarding claim 3, Lee discloses a method wherein said performing a main-scanning operation comprises scanning a document sensed during the pre-scanning operation to generate image data of the document (col. 4, ln. 38-65).

Regarding claim 5, Lee discloses a method further comprising, if the number of documents input is one, ending scanning of the document after said performing a main-scanning operation ends (col. 3, ln. 24-40).

Regarding claim 8, Lee discloses a method of scanning documents, comprising:

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- i. placing one or more documents to be scanned within a physical scan area (fig. 1, item 114, col. 3, ln. 24-40. Placing one or more documents to be scanned within a physical scan area is inherent in and necessitated by Lee's disclosed scanning method.);
- ii. performing a pre-scanning operation until a beginning of one of the documents is sensed (col. 2, ln. 38-42 Lee's "initial region of interest" is the beginning of one of the documents);
- iii. performing a main-scanning operation until an end of the one of the documents is sensed (col. 3, ln. 24-40); and
- iv. repeating said performing a pre-scanning operation and said performing a main-scanning operation until a bottom of the physical scan area is reached, thereby scanning the physical scan area once (col. 3, ln. 24-40, and col. 4, ln. 38-65).

Regarding claim 9, Lee discloses a scanner, comprising:

- i. a pre-scanning unit performing a pre-scanning operation at a first predetermined resolution and speed until a current scanning area is located in a main-scan area (fig 1, item 114, also, col. 3, ln. 24-40, and col. 4, ln. 38-65); and
- ii. a main-scanning unit performing a main-scanning operation at a second predetermined resolution and speed, until the current scanning area is beyond the main-scan area, after the current scanning area has been located in the main-scan area (fig 1, item 114, also, col. 3, ln. 24-40).

Regarding claim 10, Lee discloses a scanner wherein the first predetermined resolution and speed are set by a user or set depending on characteristics of the scanner (col. 2, ln. 27-32, also, col. 3, ln. 24-40).

Regarding claim 11, Lee discloses a scanner wherein the speed of the pre-scanning operation is greater than the speed of the main-scanning operation (col. 4, ln. 38-60, where Lee's pre-scan is a "low quality scan" relative to the main scan. A "low-quality" scan as disclosed by Lee, is necessarily and inherently slower than Lee's disclosed main scan). See In re Ludtke, 169 USPQ 563 (CCPA 1971): "Since only alleged distinction between applicant's claims and reference is recited in functional language, it is incumbent upon applicants, when challenged, to show that device disclosed by reference does not actually possess such characteristics."

Regarding claim 12, Lee discloses a scanner wherein a size of a document to be scanned is variable (col. 2, ln. 32-37), and as such the size of the document to be scanned is fully capable of being made the same size as a business card.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

4. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. U.S. Patent # 6,151,426 further in view of Kao U.S. Patent 6,453,080 B1.

Regarding claim 4, Lee fails to disclose a method further comprising inputting a number of documents for which image data are to be generated. Kao discloses a document scanning method and apparatus where image data are generated for multiple documents (see Kao col. 7, ln. 22-30, "the efficiency of the inventive method will be more remarkable especially when the scanner is scanning multiple documents"). Therefore, the combined teaching of Lee and Kao would have rendered obvious utilization of a document scanning method further comprising inputting a number of documents for which image data are to be generated.

Regarding claim 6, Lee fails to disclose a method further comprising, if the number of documents input is two or more, sensing a starting portion of a subsequent document after said performing a main-scanning operation ends by repeating said performing a pre-scanning operation. Kao discloses a method of sensing a starting portion (Kao,

claim 1 a) "A method for real-time auto-cropping a scanned image comprising... sequentially reading each partial image block from a scanner until a first meaningful image region is found") of a subsequent document after said performing a main-scanning operation ends by repeating said performing a pre-scanning operation where multiple documents are to be scanned (see Kao col. 7, ln. 22-30, "the efficiency of the inventive method will be more remarkable especially when the scanner is scanning multiple documents"). Therefore, the combined teaching of Lee and Kao would have rendered obvious utilization sensing a starting portion of a subsequent document after a main-scanning operation ends by repeating a pre-scanning operation where two or more documents are to be scanned.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. U.S. Patent # 6,151,426 further in view of Lopez U.S. Patent 5,596,655.

Regarding claim 7, Lee fails to disclose a method further comprising wherein said performing a pre-scanning operation comprises determining whether white data exist for each line of a document to be scanned and counting the number of white lines of the white data. Lopez discloses an image scanning system comprising determining whether white data exist for each line of a document to be scanned and counting the number of white lines of the white data (Lopez figs 11 and 12, also, col. 10 ln. 48-65). Therefore, the combined teaching of Lee and Lopez would have rendered obvious utilization sensing a starting portion of a subsequent document after a main-scanning

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operation ends by repeating a pre-scanning operation where two or more documents are to be scanned.

Examiner's Note

6. The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Koziol whose telephone number is (571) 270-1884. The examiner can normally be reached on M - alt. F 8:30-6:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-7332.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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